

4. Revised Notice of Proposed Offset. Effective November 26, 2018, Education revised its TOP Notice to specifically include a reference to borrower defenses. The Notice now states:

The Department will not report the default status of your debt to credit reporting agencies or collect the debt by Treasury offset to the extent that:

...

You have a defense to repayment of the debt (also known as a borrower defense) because the school you attended engaged in acts or omissions that would give rise to a cause of action against the school under applicable State law and the cause of action directly relates to the loan or to the school's provision of educational services for which the loan was provided.

[See the enclosed Request for Review form for additional information on objections you may raise.]

A copy of the revised notice is attached hereto at Exhibit C.

5. Revised TOP Request For A Hearing. Effective November 26, 2018, Education revised its TOP Request For A Hearing to specifically include a reference to borrower defenses.

A copy of the revised notice is attached hereto as Exhibit D.

6. Revised TOP Referral Procedures. Effective December 10, 2018, each account referred to TOP is checked weekly to verify whether a borrower defense application has been filed. If such application has been filed, the account will be removed from TOP and put into forbearance or stopped collection status.

Respectfully submitted,

ANDREW E. LELLING
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CERTIFICATE OF SERVICE

I, Jessica P. Driscoll, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Jessica P. Driscoll

Jessica P. Driscoll

Assistant United States Attorney

Dated: December 20, 2018